IN THE HIGH COURT OF JUDICATURE CHATTISGARH AT BILASPUR

W.P. NO.3704/2004

PETITIONER : Rambharosa Sahu
S/o Late Shri Dasru Ram Sahu, aged about 37 years, Assistant Teacher, Vill+P.O. Jatkanhar, Dist. Rajnandgaon.

P.R. No. 3694/04
Presented by Shri Kamal Das
dated 01/12/04

VERSUS

RESPONDENTS :1) State of Chattisgarh through the Secretary, School Education Department, DKS Bhawan, Raipur (C.G.).

2) The District Education Officer, Rajnandgaon, Dkst. Rajnandgaon.

3) Block Education Officer, Dongargarh.

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 3704 of 2004

Petitioner Rambharosa Sahu

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Adil Minhaj, Advocate for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the respondents/State

ORDER

(Passed on this 27th day of February, 2007)

The following order of the Court is passed by Satish K. Agnihotri, J.

1. The petitioner, while working as Assistant Teacher in Middle School, Belgaon, Block Dongergarh, was transferred to Primary School, Arla, District Rajnandgaon, on the same terms and conditions vide impugned transfer order dated 31.7.2004 (Annexure P/2).
2. This Court vide interim order dated 17.12.2004 directed for maintaining of status quo, as was existing on that day.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu